

# QUESTIONS FOR ANSWERS ON THE DAY

(but not taken up)

## SANCTION OF A DISTRICT COURT TO CHITRADURGA.

\*Q.—848. Sri G. SHIVAPPA (Chitradurga).—

Will the Government be pleased to state:—

(a) that the Lawyers' Association of Chitradurga is urging the Government to grant a District Court to Chitradurga;

(b) has it come to the notice of Government that the District Court at Shimoga is far off from the mofussil places of Chitradurga District;

(c) at what stage this question is pending?

A.— Sri H. M. CHANNABASAPPA (Minister for Home).—

(a) Yes.

(b) Yes.

(c) Certain statistics are being collected to enable a decision being taken.

## ADJOURNMENT MOTION RE: HARDSHIPS CAUSED TO STUDENTS IN MYSORE CITY AFTER THE ISSUE OF A CIRCULAR FROM EDUCATION DEPARTMENT.

Mr. SPEAKER.— I have received notice of an adjournment motion from Sri Mallaradhy. It reads as follows.

“ That this House do stand adjourned to discuss a definite matter of urgent public importance to wit, the situation arising out of a very recent circular issued by the Director of Public Instruction in Mysore, directing that hundreds of students of the Mysore City Schools who were promoted from the VII to the VIII Standard as the result of a regular examination held under the orders of the Education Department be demoted for reasons stated in the said Circular and the consequent injustice, hardship and annoyance caused to hundreds of students and their parents in Mysore City.”

Sri C. M. ARUMUGHAM.— Now that you are allowing Sri Mallaradhy to move the adjournment motion.

Mr. SPEAKER.—No. I want to know whether it is admissible or not,

Sri C. M. ARUMUGHAM.— You are following a certain procedure.

Mr. SPEAKER.— The procedure is quite correct. Wherever there is no doubt about the inadmissibility of the adjournment motion it is struck off in the office itself and wherever there is some doubt or I feel that I should hear both the sides in respect of the adjournment motion I come to the House, read it to the House and hear both the sides. So I have asked Sri Mallaradhy to explain his case.

Sri C. M. ABUMUGHAM.—After that you will allow us also to say something.

Mr. SPEAKER.—No, that is not correct.

Sri J. B. MALLARADHYA.—I have got to convince the Speaker about the admissibility of this adjournment motion which I have tabled. In regard to urgency, the urgency is that thousands of students have been asked to go back from a higher class to a lower class as a result of the circular by the D. P. I. and this process is continuing. After the issue of the circular various headmasters of various institutions are pressing the students to take their transfer certificates and go back. So the matter is urgent. As regards definiteness I do not think there is any room for doubt at all. It is a public matter in the sense that thousands of parents are affected by it. This matter has been agitated in the press. In my own case as soon as it came to my notice when I went to Mysore I issued a press statement and asked the departmental people to see what the matter is and in reply to that, though it is not so specifically mentioned, the Director of Public Instruction rushed to the press and issued a statement about which I do not wish to make any comment here. It has come to public notice and so it is a matter of public importance from the point of view of the public. So this particular adjournment motion before the House satisfies all the conditions for an adjournment motion to be admitted for discussion in this House. I do not wish to say anything more.

Sri G. VENKATAI GOWDA.—I read in papers that day before yesterday a certain student who is affected by this circular has filed a writ before the High Court and the High Court is seized of the matter. So the point is whether the Hon'ble Minister can explain for or against the situation.

Mr. SPEAKER.—Let us hear what the Government has to say.

Sri ANNARAO GANAMUKHI.—It is true that the High Court has admitted a writ petition and a stay order has been issued. Therefore the merits and demerits of the question cannot be discussed in this House because the High Court is seized of the matter, but at the same time I should like to explain to the Hon'ble Member that the question has been put in a wrong way.

Sri C. J. MUCKANNAPPA.—Whether it is put rightly or wrongly does not matter, but the question is whether it is *sub judice* or not.

Mr. SPEAKER.—The merits of the case cannot be gone into here if the High Court is seized of the matter.

Sri J. B. MALLARADHYA.—In regard to the statement of the Hon'ble Education Minister, I am aware that the matter is before the High Court. The real point in this connection is that I tabled this adjournment motion on the 22nd. The Hon'ble Minister was in the headquarters. In the history of this particular Assembly, for the last four and half years, not a single adjournment motion came up for

discussion, nor has a single motion been admitted. The Hon'ble Minister I am sure, would have realised that the matter was urgent, that it was important and that it needed his attention. I must say with very great regret that the Hon'ble Minister pleaded that he had no papers. The Director of Public Instruction was in the headquarters and there was information that he had to get from any outside district because he was responsible for issuing the circular and for creating this situation. I am looking at this from the point of view of deprivation of the liberty of the Hon'ble Members of this House to discuss a matter of definite, urgent, public importance. If the Hon'ble Minister thought that declaring a school in Coorg or laying a foundation stone was more important than giving his attention to this matter, I am sorry to state that it does not redound to the credit of the Government. I am saying this with a full sense of responsibility because day-in and day-out hundreds of aggrieved boys go to their schools and go back with drooping faces. Now the matter has gone to the High Court and if it is *sub judice* I do not wish to discuss the matter but does it give shelter to the thousands of students who are involved. The writ petition, I know, is filed challenging the circular of the D. P. I. The point now is, what is to happen to the other boys? Will they get relief? Supposing the High Court having heard the case gives a decision in the petitioner's favour, does it apply to the others? Is it not possible for the Hon'ble Minister at this stage to look into the matter at the administration level and see if relief can be given. My intention is to see that proper relief is given in deserving cases. Nobody wants any irregularity to be perpetrated by the students or the parents.

Sri C. M. ARUMUGHAM.—Are we to understand, Mr. Speaker, that you have allowed the motion to be discussed. Because after the Minister's reply, the Hon'ble Leader of the Opposition is continuing to make a speech.

Mr. SPEAKER.—Why does he presume things, when there is no scope for such presumption?

Sri C. M. ARUMUGHAM.—I fail to follow the procedure adopted by you.

Mr. SPEAKER.—I am hearing both the sides.

Sri C. M. ARUMUGHAM.—Were you not aware that the matter has gone to the court? Is it the first time you became aware of it?

Mr. SPEAKER.—I do not profess to know everything that goes on in the world. I want to hear both sides before coming to a decision on the admissibility of the adjournment motion.

Sri C. M. ARUMUGHAM.—My point is that since extensive debates are going on the subject, I want to participate in the debate. Again, may I ask if the Speaker was really unaware that the matter is before the High Court.

Mr. SPEAKER.—I may know a thousand and one things. But I have to hear both sides and understand their view points.

Sri G. VENKATAI GOWDA.—Did not the Government bring to the notice of the Speaker that the matter is before the High Court.

Mr. SPEAKER.—For the first time, the statment is being made on the floor of the House.

Sri J. B. MALLARADHYA.—I wish to conclude by saying that this situation would not have arisen if the Government had acted promptly on the adjournment motion tabled by me. Now an unusual situation has arisen. Supposing the High Court takes some time what is to happen to the boys?

Mr. SPEAKER.—I is a fact that the adjournment motion by Sri Mallaradhyia was tabled on the 22nd of this month. But somehow it could not be taken up earlier. I made enquiries from the Minister and he told me that certain information was not available. Therefore, I had to wait till he got the information. In the meanwhile he said that he had to go on tour and that this could be taken up on Monday. Now the matter has gone to the High Court. I am told the High Court is seized of the question whether the order of the D.P.I. is in order or not. This question being *sub-judice*, I cannot give my consent. I would have considered the matter leniently, if it had been taken up in this House before the writ petition was filed. But since the matter is now *sub-judice*, I am extremely sorry that I cannot allow Sri Mallaradhyia's motion. I may add and I do hope that when adjournment motions are tabled by Hon'ble Members, the answer to them is given forthwith instead of causing delay because by that the rights of members would be curtained to that extent.

Sri C. M. ARUMUGHAM.—Government have already curtailed our rights.

Sri ANNARAO GANAMUKHI.—I would like to explain whether I am responsible for curtailing the right.

Sri M. C. NARASIMHAN.—Strictly speaking, should not the Government tell the Speaker that the matter is before the High Court?

Mr. SPEAKER.—Government did not bring it to my notice.

Sri M. C. NARASIMHAN.—What would happen to the observations of Mr. Mallaradhyia subsequent to the explanation given by the Minister.

Mr. SPEAKER.—In any case, when an adjournment motion is tabled, the reply should be given as early as possible. There should not be any delay.

Sri M. RAMAPPA.—If the matter is pending before the High Court, we cannot discuss the merits of the case but there is nothing wrong in making observations on the matter.

Sri G. VENKATAI GOWDA.—Without going into the merits, how can we make observations.

Sri ANNARAO GANAMUKHI.—Sir, I would like to explain. There was the least intention on our part to curtail the rights of any member much less that of the Leader of the Opposition. I had to gather information from Mysore district, Kolar; Shimoga and all over the State. After all, I should place before the house information on the number of students involved, the centres where they were examined, whether the D. E. Os. permitted the middle schools to hold the examination and such other matters. All these things had to be called for and naturally it would take some time. If the information was readily available with me, there would have been no difficulty to present the same to the House. Therefore I had to take the stand that I did.

Mr. SPEAKER.—I understand the difficulties of Government anyhow the situation cannot be helped now. I cannot allow the adjournment motion.

## PRESENTATION OF REPORT

### *First Report of the Committee on Petitions—Presentation*

Sri L. H. THIMMA BOVI.—I beg to present the First Report of the Committee on Petitions.

Mr. SPEAKER.—The First Report of the Committee on petitions is presented.

### *Mysore Forest Bill—Introduction*

Sri H. S. RUDRAPPA (Minister for Forests).—I beg to introduce the Mysore Forest Bill, 1959.

Mr. SPEAKER.—The Mysore Forest Bill, 1959, is inserted.

### *The Mysore Medical Registration Bill, 1960—Motion to consider*

Sri K. K. HEGDE (Minister for Health).—I beg to move:

“That the Mysore Medical Registration Bill, 1960, be taken into consideration.”

Mr. SPEAKER.—Motion moved:

“That the Mysore Medical Registration Bill, 1960 be taken into consideration.”

2-30 P.M.

† Sri K. K. HEGDE.—Sir, as you are aware, this is a simple Bill, the object of which is nothing but the integration of the prevalent Acts in the various integrated areas. Under the Indian Medical Council, Act, members in the various Medical Registers have to be integrated and constituted into a single list. It is with that view that this Bill has been introduced. I think the Hon'ble Members will agree that this is a non-controversial Bill and pass it without much controversy.